

# House Amendment 1027

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1 1 Amend Senate File 61, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <DIVISION IV  
1 6 Sec. \_\_\_\_\_. NEW SECTION. 68B.40 ANTIHARASSMENT AND  
1 7 ANTIBULLYING RULES == IMMUNITY.  
1 8 1. DEFINITIONS. For purposes of this section,  
1 9 unless the context otherwise requires:  
1 10 a. "Harassment" and "bullying" shall be construed  
1 11 to mean the same and mean any conduct toward a member  
1 12 of the general assembly or the governor or candidate  
1 13 for the general assembly or the office of governor  
1 14 which is based on any actual or perceived trait or  
1 15 characteristic of the member of the general assembly  
1 16 or the governor or candidate for the general assembly  
1 17 or the office of governor and which creates an  
1 18 objectively hostile environment that meets one or more  
1 19 of the following conditions:  
1 20 (1) Places the member, governor, or candidate in  
1 21 reasonable fear of harm to the member's, governor's,  
1 22 or candidate's person or property.  
1 23 (2) Has a substantially detrimental effect on the  
1 24 member's, governor's, or candidate's physical or  
1 25 mental health.  
1 26 (3) Has the effect of substantially interfering  
1 27 with the member's, governor's, or candidate's public  
1 28 service or campaign performance.  
1 29 (4) Has the effect of substantially interfering  
1 30 with the member's, governor's, or candidate's ability  
1 31 to participate in or benefit from the services,  
1 32 activities, or privileges provided by the local  
1 33 community or state.  
1 34 b. "Trait or characteristic of the member,  
1 35 governor, or candidate" includes but is not limited to  
1 36 age, color, creed, national origin, race, religion,  
1 37 marital status, sex, sexual orientation, gender  
1 38 identity, physical attributes, physical or mental  
1 39 ability or disability, ancestry, political party  
1 40 preference, political belief, socioeconomic status, or  
1 41 familial status.  
1 42 c. "Volunteer" means an individual who has  
1 43 regular, significant contact with students.  
1 44 2. RULES. On or before September 1, 2007, the  
1 45 Iowa ethics and campaign disclosure board shall adopt  
1 46 rules declaring harassment and bullying in the public  
1 47 arena, regardless of its location, in a manner  
1 48 consistent with this section, as against state policy  
1 49 pursuant to this section and against the board's  
1 50 administrative rules. The board shall make a copy of  
2 1 the rules available to all general assembly members,  
2 2 the governor, and candidates for the general assembly  
2 3 or the office of governor, campaign committees,  
2 4 political committees, and volunteers, and shall take  
2 5 all appropriate steps to bring the state policy  
2 6 against harassment and bullying and the  
2 7 responsibilities set forth in the rules to the  
2 8 attention of all Iowans. The rules shall, at a  
2 9 minimum, include all of the following components:  
2 10 a. A statement declaring harassment and bullying  
2 11 to be against state policy and the board's  
2 12 administrative rules. The rules shall include but not  
2 13 be limited to the following components:  
2 14 (1) Members of the general assembly, the governor,  
2 15 and candidates for the general assembly and the office  
2 16 of governor shall not engage in harassing and bullying  
2 17 behavior.  
2 18 (2) Members of the general assembly, the governor,  
2 19 and candidates for the general assembly and the office  
2 20 of governor shall not engage in reprisal, retaliation,  
2 21 or false accusation against a victim, witness, or an  
2 22 individual who has reliable information about such an  
2 23 act of harassment or bullying.  
2 24 b. A definition of harassment and bullying as set

2 25 forth in this section.

2 26 c. A description of the type of behavior expected  
2 27 from members of the general assembly, the governor,  
2 28 and candidates for the general assembly and the office  
2 29 of governor relative to prevention measures,  
2 30 reporting, and investigation of harassment or  
2 31 bullying.

2 32 d. The consequences and appropriate remedial  
2 33 action for a person who violates the antiharassment  
2 34 and antibullying administrative rules.

2 35 e. A procedure for reporting an act of harassment  
2 36 or bullying, including the identification by job title  
2 37 of the state official responsible for ensuring that  
2 38 the rules are implemented, and the identification of  
2 39 the person or persons responsible for receiving  
2 40 reports of harassment or bullying.

2 41 f. A procedure for the prompt investigation of  
2 42 complaints, identifying the ethics and campaign  
2 43 disclosure board as the state agency responsible for  
2 44 conducting the investigation, including a statement  
2 45 that investigators will consider the totality of  
2 46 circumstances presented in determining whether conduct  
2 47 objectively constitutes harassment or bullying under  
2 48 this section.

2 49 g. A statement of the manner in which the rules  
2 50 will be publicized.

3 1 3. PROGRAMS ENCOURAGED. Members of the general  
3 2 assembly, the governor, and candidates for the general  
3 3 assembly and the office of the governor are encouraged  
3 4 to establish programs designed to eliminate harassment  
3 5 and bullying in the public arena. To the extent that  
3 6 funds are available for these purposes, statewide  
3 7 political committees shall do the following:

3 8 a. Provide training on antiharassment and  
3 9 antibullying policies to members of the general  
3 10 assembly, the governor, and candidates for the general  
3 11 assembly and the office of governor.

3 12 b. Develop a process to provide members of the  
3 13 general assembly, the governor, and candidates for the  
3 14 general assembly and the office of governor with the  
3 15 skills and knowledge to help reduce incidents of  
3 16 harassment and bullying.

3 17 4. IMMUNITY. An Iowa resident who promptly,  
3 18 reasonably, and in good faith reports an incident of  
3 19 harassment or bullying, in compliance with the  
3 20 procedures in the rules adopted pursuant to this  
3 21 section, to the ethics and campaign disclosure board,  
3 22 shall be immune from civil or criminal liability  
3 23 relating to such report and to participation in any  
3 24 administrative or judicial proceeding resulting from  
3 25 or relating to such report.

3 26 5. COLLECTION REQUIREMENT. The ethics and  
3 27 campaign disclosure board shall develop and maintain a  
3 28 system to collect harassment and bullying incidence  
3 29 data.

3 30 6. INTEGRATION OF POLICY AND REPORTING. The  
3 31 ethics and campaign disclosure board and the office of  
3 32 secretary of state shall integrate the antiharassment  
3 33 and antibullying rules adopted by the board into the  
3 34 official registration documents for members of the  
3 35 general assembly, the governor, and candidates for the  
3 36 general assembly and the office of governor and shall  
3 37 report data collected under subsection 5, as specified  
3 38 by the board, to the general public.

3 39 7. EXISTING REMEDIES NOT AFFECTED. This section  
3 40 shall not be construed to preclude a victim from  
3 41 seeking administrative or legal remedies under any  
3 42 applicable provision of law.

3 43 8. PENALTY. The board shall issue an order  
3 44 requiring a person who violates the provisions of this  
3 45 section to pay a civil penalty of not more than two  
3 46 thousand dollars for each violation of this section.

3 47 9. FUND. An antiharassment and antibullying fund  
3 48 is created within the office of the treasurer of state  
3 49 to be administered by the board. Moneys collected by  
3 50 the board pursuant to this section shall be deposited  
4 1 in the fund and shall be distributed by the board to  
4 2 the general assembly and to the office of governor to  
4 3 fund the implementation of a proactive and pervasive  
4 4 process of character development and to state  
4 5 political committees to provide professional

4 6 development for members of the general assembly, the  
4 7 governor, and candidates for the general assembly and  
4 8 the office of governor.>  
4 9 #2. Page 1, line 18, by inserting after the word  
4 10 <behavior.> the following: <The general assembly also  
4 11 finds that in order to create a safe and civil  
4 12 environment for Iowa youth, it is the responsibility  
4 13 of members of the general assembly, the governor, and  
4 14 candidates for the general assembly and the office of  
4 15 governor in Iowa to model the dignity and respect that  
4 16 is legally required of Iowa school age youth.  
4 17 Therefore, it is also the policy of this state that  
4 18 members of the general assembly, the governor, and  
4 19 candidates for the general assembly and the office of  
4 20 governor shall not engage in harassing or bullying  
4 21 behavior in accordance with section 68B.40.>  
4 22 #3. Title page, line 2, by inserting after the  
4 23 word <policies> the following: <and rules>.  
4 24  
4 25  
4 26 \_\_\_\_\_  
4 27 RAECKER of Polk  
4 28 —  
4 29 SF 61.716 82  
4 30 kh/jg/25